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In re Application of
FÜHRER, Jochen, et al.
Application No.: 10/018,269
PCT No.: PCT/EP00/03785
Int. Filing Date: 27 April 2000
Priority Date: 30 April 1999
Attorney's Docket No.: AP9627
For: METHOD FOR PRESSURE
MODULATION OF BRAKE
PRESSURES

DECISION ON

REQUEST

UNDER 37 C.F.R. 1.42

This is a decision on applicants' "Response to Decision in Response to Applicant's
'Renewed Request Under 37 CFR 1.42'" filed on 28 October 2002.

BACKGROUND

On 27 April 2000, applicants filed international application PCT/EP00/03785. A Demand electing the United States was filed on 23 November 2000, within nineteen months of the priority date. Accordingly, the deadline for submitting the basic national fee to prevent abandonment of the international application as to the United States expired at midnight of 30 October 2001.

On 30 October 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 25 February 2002, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors was required.

On 25 April 2002, applicants filed a request accompanied by a declaration of the inventors.

On 05 September 2002, the Office mailed Decision On Request Under 37 CFR 1.42.

On 28 October 2002, applicants submitted the instant renewed request.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions

applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 C.F.R. 1.42.

The declaration provided does not state that the three joint heirs are all of the heirs. In the 28 October 2002 submission, Joseph Coppola certifies that the three joint heirs are all of the heirs. Though Mr. Coppola indicates that the German language certificate of joint inheritance and an English translation are attached, they are not. Nevertheless, attorney's certification that the three heirs are the sole heirs is sufficient.

This submission by the heirs is construed as an indication that a legal representative has not been appointed nor is one required to be appointed by applicable law, and thus, the heirs are signing as the legal representative of the estate. See MPEP 409.01(d). If this interpretation is incorrect, applicants are required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to the decision.

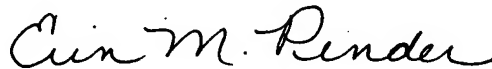
CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is GRANTED.

The application has an international filing date of 27 April 2000 under 35 U.S.C. §363 and a date of 25 April 2002 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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